Speech of The Hon. Irwin Cotler
Minister of Justice and Attorney General of Canada

The Police, Human Security, and the Protection of the Vulnerable: Law in Action

Canadian Association of Police Boards

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CHECK AGAINST DELIVERY

I am delighted to be here, and to participate in the common cause which brings us together – the struggle against injustice – and this as part of the larger struggle for justice – for the building of a principled, accessible, and effective justice system, for the protection of human security, for the protection of the most vulnerable amongst us – and with the police at the frontlines of this effort.

May I begin by saying how important a resource the Canadian Association of Police Boards is to the Department of Justice and to the Government of Canada. May I express my appreciation for the representations you have made to the federal government on behalf of the local police authorities you serve. More importantly, may I express our thanks for the daily dedication and bravery of the men and women who police our country.

This Conference provides me with a welcome opportunity – as have my meetings with your leadership and police authorities across this country - to learn about the issues that are of greatest concern to your membership, as well as to receive feedback on our Justice initiatives from front-line stakeholders. It also provides me with an opportunity to share the goals of the Department of Justice with the CAPB membership. In particular, I want to talk to you today about the challenges we face, the principles and priorities that underpin Canada's justice agenda, and the critical role that the police play as the men and women who work on the front lines of the struggle for justice, equality, and human dignity.

The first of these is security and human rights.

The underlying principle here is that there is no contradiction between the protection of security and the protection of human rights—that counter-terrorism itself is anchored in a dual human rights perspective.

The first aspect of this perspective is that transnational terrorism constitutes an assault on the security of a democracy and the most fundamental rights of its inhabitants—the right to life, liberty, and security of the person. Our commitment to democratic values compels us to respond to this threat. Counter-terrorism is the promotion and protection of the security of a democracy and fundamental human rights in the face of this injustice—the protection, indeed, of human security in the most profound sense.

At the same time (and this is the second and related human rights perspective imbedded in the relationship between counter-terrorism and human rights), the enforcement and application of counter-terrorism law and policy must always comport with the rule of law. Minorities must never be singled-out for differential and discriminatory treatment. Torture must always and everywhere

be prohibited. Counter-terrorism must not undermine the very human security we seek to promote and protect.

It is clear – and I say this as one who has witnessed terrorist atrocities elsewhere - that the police would be among the first-responders in the event of a terrorist attack on Canadian soil. While we pray that such a tragedy is not in Canada 's future, we must recognize the possibility that it could happen here – that we need to be vigilant and prepared – and that the police have a crucial role in the prevention of terror, the apprehension of would be terrorists, and the enforcement of anti-terrorism law. In this regard, I wish to thank the CAPB for the recommendations it submitted to the Senate Standing Committee on National Security and Defence last year. Your experience and advice on these matters are crucial to the work of all parliamentarians who deal with national security issues.

A second priority is the Protection of the Most Vulnerable Amongst Us.

The test of a just society, a society organized around the principles of equality and human dignity, is how it treats the most vulnerable of its members: children, women, the elderly, the sick, refugees, minorities, Aboriginals.

Each and every one of these groups, and indeed, Canadians marginalized for any other reasons, must find a place in the Justice agenda. We must aspire to be a society in which no one is left behind, in which equality is not only an ideal but a constitutional norm, in which we extend a hand to those disadvantaged and discriminated against, in which we build bridges rather than erect walls in our multicultural mosaic.

I have just come from British Columbia – where I have personally witnessed on the ground the role of the police in the protection of the vulnerable. This priority is about protecting children against all forms of exploitation, neglect, and mistreatment. It is about the protection of women's rights, violence against women, and against the trafficking of women, the new international slave trade. It is about protecting people from being victimized in other ways by those who would exploit human vulnerability for profit, such as through trafficking in highly addictive and dangerous drugs. It is about addressing patterns of violence, especially those in disadvantaged communities. It is about protecting victims.

An important component of the protection of the vulnerable is addressing the inequity faced by so many Aboriginal people who are overrepresented as offenders and victims in the criminal justice system and underrepresented as police officers, judges, court-workers and lawyers.

Protecting the vulnerable is an issue the police know all too well. When a woman is the victim of spousal violence, the police are the ones who are called to protect her. When a grow-op may threaten residential and community peace, it is the police who are there on the frontlines to investigate and protect. Admittedly, the justice agenda is often spoken of in abstract terms, but such a perspective is impossible when addressing police officers. Focusing on the work that is done on the ground certainly has a *grounding* effect on one's outlook. The police are indeed the true -- and often unacknowledged -- heroes of Canada 's justice agenda. It often falls to the men and women in uniform to live up to and act upon the values that we as a society to profess: it is your members who are called upon to translate our words into deeds.

A third priority is Combating Racism, Hate Speech, and Hate Crimes.

We have been witness of late to a growing incidence and intensity of hate speech and hate crimes against identifiable groups.

These hate crimes, as I stated in the Parliament, constitute an assault on the inherent dignity of the human person, an assault on the equal dignity of all persons, an assault on the right of minorities to protection against group vilification, and an assault on our own multicultural

democracy. As I said in Parliament when asked what the Government of Canada – what the Minister of Justice – is doing to combat these hate crimes – "we will not be silent, we will not be intimidated, we will speak out, we will act, we will introduce a national action plan against racism. We will consign racism and hate to the dustbin of history where it belongs."

Accordingly, we have worked to develop strong justice initiatives to combat racism, hate speech, and hate crimes—both domestically and internationally—as mandated in the Speech from the Throne, and as an important component of the National Action Plan Against Racism.

In that context – and with that purpose in mind – we launched Canada 's first ever, National Action Plan Against Racism. I also announced a 13-point National Justice Initiative Against Racism and Hate. And last month, I went to Strasbourg to sign an International Protocol to the European Convention on Cybercrime to combat racism and hate-motivated crimes committed through the Internet – to counter Internet hatred and bias as set forth in our National Justice Initiative.

The message that we must send out as a government and as a society must be clear and unequivocal: that in this country—indeed in our world community—there will be no sanctuary for hate and no refuge for bigotry.

There is one point I would like to add in this regard. The practice of racial profiling has attracted considerable attention, both in Canada and other western countries and, as I have said elsewhere, racial profiling is discriminatory both as a matter of principle and policy – and a denial of the rights to equality before the law - an unacceptable practice that has no place in Canada 's justice system. However, while we need to protect against this, we should not allow the attention devoted to the issue of racial profiling to obscure the broader reality of modern policing: that police officers in Canada are the true front-line responders in protecting the vulnerable, in safeguarding minorities, and in providing human security to all Canadians.

The final Justice priority of concern to Canada 's police forces is the area of Criminal Justice Reform and the Protection of Human Rights.

In a sense, this is a general, encompassing priority – it includes the three particular priorities I have already mentioned but also recognizes a general need for a fair and effective criminal law system, and one anchored in the dual human rights concerns of protecting human security and respect for the rule of law, including legal rights guaranteed under the Constitution.

In light of the above priorities, the Canadian government has put in place and will continue to adopt new measures to improve our criminal justice system. These measures address one or more of the particular or general priorities I have identified.

Accordingly, in this regard, I would like to mention, in particular, the recent passage of Bill C-2, addressing the protection of children and other vulnerable persons. Among the important amendments made by this Bill are those that broaden criminal law measures against child pornography, add new provisions on the sexual exploitation of young persons, and add provisions facilitating the testimony of young witnesses. These criminal law reforms are complemented by the federal government's National Strategy to Protect Children from Sexual Exploitation on the Internet, launched in May 2004 by the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness.

We also recently adopted Bill C-13, making amendments to strengthen Canada 's DNA data bank legislation, and which expand the ability to collect DNA samples from convicted offenders. Indeed, the DNA data bank is a law enforcement and criminal law tool of particular relevance in combating the worst offences - often involving vulnerable victims - while also serving to rule out suspects, and thus protecting the innocent.

And, as just announced together with Health Minister Ujjal Dosanjh in BC last week, the

government is taking initiatives to combat the growing threat posed by the drug methamphetamine, and has rescheduled the drug under the *Controlled Drugs and Substance Act*. As a result, the maximum penalties in respect of the drug are significantly increased to reflect the gravity of the offence – for example, the penalty for importation, export and trafficking in the drug has been increased from 10 years to life imprisonment – while the illegal use precursor chemicals used in the production of the drug will also be sanctioned – the whole intended to strengthen law enforcement measures against this drug, while protecting victims.

In addition to these recently-passed changes to Canadian law, the Government has also proposed new legislation, currently before Parliament, to address important criminal justice issues. In particular,

- Bill C-16 seeks to strengthen investigations and enforcement against drug-impaired driving.
- Bill C-17 provides for alternative enforcement for the possession of small amounts of cannabis, while creating new, tougher penalties for large marihuana grow operations.
- Bill C-49 would put in place strong new criminal law measures addressing trafficking in persons, doing so as part of a broad and on-going federal and international strategy to combat human trafficking. This trafficking represents a form of slavery and is a violation of the most fundamental of human rights.
- Bill C-50 seeks to modernize and strengthen Canada 's animal cruelty laws.
- Bill C-53 would put in place measures to better target proceeds of crime in cases involving criminal organizations and serious drug offences.

I can also tell you that the government has plans to introduce lawful access legislation. You have urged the federal government to make this a priority—so that police maintain the ability to lawfully intercept communications and data in order to investigate crimes—and the federal government will respond. My Department is committed to updating the legal framework for lawful access so that police have the tools they need to do their jobs effectively.

Just before I close, I would also like to mention an issue that has received particular attention in recent reports, the issue of violence – and particularly gun violence – in certain communities. In Canada , we have in place strong criminal law measures against the use of firearms and other weapons. These measures have been of assistance in controlling the overall level of crime involving firearms in Canada . In fact, recently released statistics showed a decrease in the level of offences involving firearms in Canada last year, a decline that has been occurring for a number of years.

However, I am very disturbed – as you, no doubt, are – by recent repeated incidents of violence, notably in certain areas of Toronto . This recent spike in violence must remain a focus of our collective attention. As many have recognized, numerous factors come into play, including issues with respect to the smuggling of firearms, issues of enforcement, and socio-economic and community issues. And while we have strong laws in place, we must always consider whether these laws are being effectively applied and also whether they can be improved. As Minster of Justice, I will work in partnership with other government and non-government representatives to see what more can be done to address these issues.

In closing, let me just say that by focusing on our priorities and giving expression to our principles, we will not only improve Canada 's justice system, but no less important, we will improve our quality of life in Canada . In this, you, as the embodiment of law in action – as those who are on the frontline in the protection of human security and the protection of those who are the most vulnerable amongst us - have an indispensable role to play in the building of the justice system and the enhancement of our quality of life. I look forward to continuing to work with you to realize these objectives; and may I, once again, express our appreciation to your organization and its members for helping to ensure that our justice system reflects – in its day-to-day operations, in the real world, on the ground – in the law in action - the core values to which we seek to aspire

and adhere to as Canadians.

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